

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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FIVE STAR BANK,

*Plaintiff,*

CASE NO. 6:24-cv-6153

v.

KATHERINE MOTT, ROBERT HARRIS;  
KRM EVENTS, LLC; KATHERINE'S ON  
MONROE, LLC; THE DIVINITY ESTATE  
AND CHAPEL, LLC; KNC ELEGANCE,  
LLC d/b/a THE WINTERGARDEN BY  
MONROES; 11 WEXFORD GLEN, LLC;  
RCC MONROES LLC; NAF REMODELING  
LLC; MONROES AT RIDGEMONT LLC;  
CRESCENT BEACH AT THE LAKE LLC;  
and MOTT MANAGEMENT LLC;

CIVIL ACTION

DECLARATION IN FURTHER SUPPORT  
OF APPOINTMENT OF A RECEIVER

*Defendants.*

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David G. Burch, Esq., declares as follows under the penalty of perjury:

1. I am an attorney-at-law duly licensed to practice in the State of new York and am a partner in the law firm of Barclay Damon LLP, counsel to Plaintiff Five Star Bank ("Plaintiff" or "Five Star"). As such, I am fully familiar with the matters set forth herein.

2. I submit this declaration in support of Plaintiff's motion, pursuant to Rule 7 of the Local Rules of Civil Procedure for the Western District of New York and Rule 66 of the Federal Rules of Civil Procedure, for the appointment of a Receiver to manage the finances and operations of the Entity Defendants.

3. During the course of the investigation by Five Star and its counsel into Defendants' financial misconduct, Five Star has confirmed that the various accounts held by Defendant Mott and the Entity Defendants at Kinecta Federal Credit Union were officially closed on February 19, 2024, and that Defendant Mott was expressly advised of their closure.


4. Moreover, upon information and belief, despite having actual knowledge that the Kinecta Federal Credit Union accounts were closed, Defendant Mott continued to write checks

totaling millions of dollars and fraudulently deposited those checks with other financial institutions, including Five Star Bank.

5. **WHEREFORE**, your declarant respectfully requests that the Court grants this motion as soon as practicable, that the Court enters an Order appointing a Receiver for the Defendant Entities, and grant such other and further relief as the Court deems just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 29, 2024

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David G. Burch

**CERTIFICATION**

I hereby certify that on March 29, 2024, the foregoing document was served on all counsel of Record via the Court's ECF System.

/s/ David Burch, Jr.

David G. Burch, Jr.